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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0709**

State of Minnesota,
Respondent,

vs.

Ryan Michael Beach,
Appellant.

**Filed February 20, 2018
Affirmed
Reilly, Judge**

Crow Wing County District Court
File No. 18-CR-16-1163

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Donald F. Ryan, Crow Wing County Attorney, Candace Prigge, Assistant County
Attorney, Brainerd, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Leslie J. Rosenberg, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Halbrooks, Presiding Judge; Connolly, Judge; and
Reilly, Judge.

UNPUBLISHED OPINION

REILLY, Judge

Appellant Ryan Michael Beach challenges the sufficiency of the evidence
underlying his convictions of receiving stolen property and of possessing stolen checks,

arguing that the circumstantial evidence was insufficient to prove that he constructively possessed the stolen items. Because sufficient evidence supports appellant's convictions beyond a reasonable doubt, we affirm.

D E C I S I O N

The state charged appellant with receiving stolen property, possession of counterfeit checks, and possession of a controlled substance, stemming from an incident in March 2016. Police officers responded to a disturbance call at appellant's apartment, which he shared with his girlfriend. Officers discovered a red mesh bag in a common area of the apartment building containing computer equipment, a glass pipe with methamphetamine residue, and a checkbook for a dental office. Several of these items had been reported stolen from a dental office. Officers obtained a search warrant for appellant's apartment, where they discovered additional stolen items, including computer equipment, dental supplies, and two checkbooks belonging to A.G. and to M.S. A jury convicted appellant of receiving stolen property and of possessing stolen checks, but acquitted him of the drug-possession charge.

Appellant argues that the evidence was insufficient to prove he was guilty of receiving stolen property and possessing stolen checks. With respect to receiving stolen property, "any person who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing or having reason to know the property was stolen or obtained by robbery" is guilty of a crime. Minn. Stat. § 609.53, subd. 1 (2016). As to the second offense, "[a] person who . . . possesses . . . a check that is stolen . . . , knowing or having reason to know the check is stolen . . . , is guilty of a crime" and

may be sentenced for a felony crime if the offense involves two or more direct victims. Minn. Stat. §§ 609.528, subds. 2, 3(3) (2016). Because these offenses require proof that he knew they were stolen, and knowledge is a state of mind, appellant's knowledge is proved by circumstantial evidence.

Officers did not find appellant in actual physical possession of the stolen items. Therefore, the state was required to prove that appellant constructively possessed the items. *See State v. Peterson*, 375 N.W.2d 93, 95 (Minn. App. 1985) (“In proving [defendant] possessed the stolen property, the State had to show either actual or constructive possession.”). The constructive-possession doctrine allows a conviction to stand where the state cannot prove actual possession, but where “the inference is strong that the defendant physically possessed the item at one time and did not abandon his possessory interest in it.” *State v. Smith*, 619 N.W.2d 766, 770 (Minn. App. 2000), *review denied* (Minn. Jan. 16, 2001). When stolen items are found in a shared space, the state must “show a strong probability, inferable from other evidence, that [the defendant] consciously exercised dominion and control over the stolen items.” *State v. Zgodava*, 384 N.W.2d 522, 524 (Minn. App. 1986).

Our review of a sufficiency-of-the-evidence challenge is “limited to a painstaking analysis of the record to determine whether the evidence, when viewed in a light most favorable to the conviction, was sufficient to permit the jurors to reach the verdict which they did.” *State v. DeRosier*, 695 N.W.2d 97, 108 (Minn. 2005) (quotation omitted). When an element of the offense has been proven circumstantially, we apply a heightened standard of review. *State v. Al-Naseer*, 788 N.W.2d 469, 474 (Minn. 2010) (holding that a

conviction based on circumstantial evidence warrants heightened scrutiny). But “[w]hile it warrants stricter scrutiny, circumstantial evidence is entitled to the same weight as direct evidence.” *State v. Bauer*, 598 N.W.2d 352, 370 (Minn. 1990). This heightened standard of review requires us to first identify the circumstances proved and defer to the jury’s “acceptance of the proof of these circumstances,” and then “examine independently the reasonableness of all inferences that might be drawn from the circumstances proved, including inferences consistent with a hypothesis other than guilt.” *State v. Porte*, 832 N.W.2d 303, 310 (Minn. App. 2013) (quotation omitted). We defer to the jury’s acceptance of the circumstances proved and rejection of evidence conflicting with those circumstances. *State v. Silvernail*, 831 N.W.2d 594, 599 (Minn. 2013).

The state satisfied its burden of proof here. “Knowledge that the property was stolen may be proven by circumstantial evidence,” *Peterson*, 375 N.W.2d at 95, and “[a]n individual’s unexplained possession of stolen property within a reasonable time after a theft will in and of itself be sufficient to sustain a conviction.” *State v. Hager*, 727 N.W.2d 668, 677-78 (Minn. App. 2007) (quotation omitted). Here, the evidence establishes that stolen items valued at over \$1,000 were discovered in appellant’s apartment within one week of the burglary at the dental office. Appellant’s friend, who had spent the day with appellant, testified that he had seen appellant carrying the red bag into the apartment. Officers discovered checkbooks from two separate victims in appellant’s apartment, and each victim testified at trial that appellant did not have permission to possess each checkbook. The circumstances proved by the state demonstrate that appellant received stolen property and possessed stolen checks, satisfying the first prong of the heightened-scrutiny test.

The second step of our analysis is to determine whether the circumstances proved are consistent with guilt and inconsistent with any hypothesis other than guilt. *See Al-Naseer*, 788 N.W.2d at 473. This part of the analysis gives “no deference to the fact finder’s choice between reasonable inferences.” *Silvernail*, 831 N.W.2d at 599. Appellant argues that even if the stolen items and the stolen checkbooks were found in his home, the state failed to show that he exercised “dominion and control” over those items. To successfully challenge a conviction based upon circumstantial evidence, appellant bears the burden of “point[ing] to evidence in the record that is consistent with a rational theory other than guilt.” *State v. Taylor*, 650 N.W.2d 190, 206 (Minn. 2002). But the possibility of a defendant’s innocence does not require reversal if “the evidence taken as a whole makes such theories seem unreasonable.” *Id.*

Appellant has not identified evidence in the record consistent with a theory other than guilt. Appellant argues that the stolen items could belong to someone else, and notes that he shares the apartment with his girlfriend. Appellant also suggests that the individuals who caused a disturbance in his apartment could have left the stolen items behind—in the kitchen, the living room, and appellant’s bedroom drawers—when they fled. These inferences are unreasonable in light of the evidence as a whole. The stolen property was found throughout the apartment, including in appellant’s kitchen, the living room, and the bedroom. Some of the dental items had been used. The stolen checkbooks were discovered in two separate rooms. Appellant has not identified evidence in the record consistent with a rational theory other than guilt.

In sum, viewing the evidence in the light most favorable to the verdict and deferring to the jury's credibility determinations, *State v. Franks*, 765 N.W.2d 68, 73 (Minn. 2009), the jury could reasonably conclude that appellant was guilty of the charged crimes. The reasonable inferences from the evidence are consistent with appellant's guilt and inconsistent with any rational hypothesis other than guilt. Sufficient evidence exists to permit the jury to conclude beyond a reasonable doubt that appellant was guilty of receiving stolen property and of possessing stolen checks.

Affirmed.